

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 21 has been amended. Non-elected claims 4-7, 14-17 and 19 have been cancelled. Claims 1-3, 8-13, 18, and 20-21 are pending and under consideration.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at page 2, numbered paragraphs 1-2, claim 21 was rejected under 35 USC § 102(e) as being anticipated by Autruong (U.S. Patent No. 5,150,368).

Autruong does not disclose at least "a judgment unit judging whether or not each of the plurality of wavelength components in an optical signal is down and whether said identifier is abnormal for each of said wavelength components based on a detection result output by the determination unit associated with each of the wavelength components, wherein each identifier identifies a channel associated with each of the wavelength components and is uniquely determined by the channel," as recited in amended claim 21.

Autruong, as relied on by the Examiner, is directed to a method for modem-to-modem communication, whereby the acknowledgement of a correctly received data packet is confirmed by comparing a currently received *checksum* to a previously received checksum. That is, Autruong's method iteratively performs (a) receiving a data packet and determining a checksum, (b) comparing the checksum with a checksum embedded in the data packet, and (c) if the checksums are the same, transmitting a signal indicating that the data packet was received correctly. (See Autruong's Abstract). The Examiner indicates as relevant for the features recited in claim 21, col. 4 lines 53-67 of Autruong, which are reproduced hereinafter:

At box 120, transmitter modem 10 waits to receive signals from receiver modem 20. As is well known to those of ordinary skill in the art, the function carried out by box 120 may be initiated periodically after a predetermined time period has elapsed, for example, after a timer counter has reached a predetermined threshold, or the function carried out by box may be initiated upon the receipt of a signal from receiver modem. Notwithstanding the particular event which triggers the initiation of the function carried out by box the manner in which control may be transferred to box in transmitter modem 10 is well known to those of ordinary skill in the art.

Autruong in the indicated portion or in a whole disclosure fails to teach or suggest "judging whether or not *each* of the plurality of wavelength components in an optical signal is down." In fact, Autruong does not disclose a multiple wavelength signal. In Autruong, waiting for

a confirmation signal from the receiving modem longer than a predetermined waiting period would indicate that the transmission of the whole packet failed. (See col. 5 lines 1-6 of Autruong.) The waiting time is not the checksum or an identifier based on which to be determined that a certain component is down as required in claim 1.

The comparison of a single checksum (which the Office Action associates with an identifier) corresponding to a data packet with a checksum embedded in the data packet shows whether the packet as a whole was correctly received. In contrast, the invention of claim 21 provides a determination unit for determining whether or not an identifier stored in a predetermined position *in each of the plurality of wavelength components* is normal based on a detection result output by the determination unit associated with *each of the wavelength components*. Furthermore, the invention of claim 21 provides for each identifier to *identify a channel*. Since Autruong does not teach or suggest a packet with components corresponding to multiple wavelength, Autruong cannot anticipate at least the judgment unit of claim 21.

Therefore, Autruong does anticipate claim 21, which patentably distinguishes over Autruong. Accordingly, withdrawal of this § 102(e) rejection is respectfully requested.

II. Allowable Subject Matter

Applicant's appreciate the Examiner's indication that claims 1-3, 8-13, 18, and 20 are allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/045,093

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: L. Todor
Luminita A. Todor
Registration No. 57,639

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501